

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 2755, CUTTACK, MONDAY, DECEMBER 4, 2023/MARGASIRA 13, 1945

EXCISE DEPARTMENT

NOTIFICATION

The 4th December, 2023

S.R.O. No.809/2023— In exercise of the powers conferred by the proviso to Article 309 of Constitution of India and in supersession of the Odisha Lower Excise Service (Method of Recruitment and Conditions of Service) Rules, 2011, orders and instructions if any issued in this regard, except as in respect of things done or omitted to be done before such supersession, the Governor of Odisha is pleased to make the following rules to regulate the method of recruitment and conditions of service for appointment to the post of Excise Constable in Odisha Lower Excise service, namely:—

1. Short title and commencement:- (1) These rules may be called the Odisha Lower Excise Service (Method of Recruitment and Conditions of Service of Excise Constables) Rules, 2023.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions:-(1) In these rules, unless the context otherwise requires, -

- (a) "**Appendix**" means the Appendix appended to these rules;
- (b) "**Appointing Authority**" means the Excise Commissioner, Odisha;
- (c) "**Cadre Change Board**" means the Cadre Change Board constituted for considering change of cadre under sub para (vii) (a) of item (A) of Appendix-A of these rules;
- (d) "**Change of Cadre**" means permanent absorption in a new Divisional Cadre other than the Division in which appointed;

- (e) **“Commission”** means the Odisha Sub-Ordinate Staff Selection Commission;
- (f) **“Commissioner”** means the Excise Commissioner, Odisha;
- (g) **“Departmental Examination”** means the Departmental examination as determined by the Commissioner from time to time.
- (h) **"District"** means Excise District co-terminus with a Revenue District of the State or a part thereof and shall include any Excise District created by Government from time to time;
- (i) **"Division"** means Excise Division comprising of specific Excise Districts of the State as notified by the Government and includes the Excise Intelligence and Enforcement Bureau Unit of the Division. The State Flying Squad will be part of the Central Division for the purpose of this Rule.
- (j) **"Divisional Cadre"** means cadre of Excise Constables appointed under a particular Division;
- (k) **"Ex-serviceman"** means a person as defined in clause (b) of rule 2 of the Odisha Ex-Servicemen (Recruitment to the State Civil Services and Posts) Rules, 1985;
- (l) **"Government"** means the Government of Odisha;
- (m) **“Persons with Disabilities”** means a person who have been granted with disability certificates by the competent authority as per the provisions of the Rights of Persons with Disability Act, 2016;
- (n) **"Scheduled Castes and Scheduled Tribes"** shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribe) Order, 1950, as the case may be, made under Articles 341 and 342 of the Constitution of India, respectively;
- (o) **"SEBC"** means the Socially and Educationally Backward Classes of citizens other than the Schedule Castes and Scheduled Tribes as

defined in clause (a) of Section 2 of the Odisha State Commission for Backward Classes Act, 1993.

- (p) **“Service”** means the Odisha Lower Excise Service;
- (q) **"Select List"** means the list of successful candidates, prepared by the Commission arranged in order of merit, equal to the total number of vacancies notified for recruitment in a particular Division;
- (r) **"Sportsmen"** means a person, who has been issued with an identity card as sportsmen by the Director of Sports as per Resolution No.24808/Gen, dated the 18th November, 1985 of General Administration Department, as amended from time to time; and
- (s) **“Year”** means the Calendar Year.

(2) All other words and expressions used, but not specifically defined in these rules, unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Odisha Service Code.

3. Constitution of Service and Cadre:- (1) The service shall consist of Excise Constable.

(2) Each Excise Division shall constitute a separate cadre.

(3) The Excise Constables appointed in one division shall not be ordinarily shifted or deputed or transferred to any other division on any ground:

Provided that the Constables may exercise their option to change their cadre to any other division of their choice subject to their eligibility on a permanent absorption basis as per the provisions outlined under APPENDIX-A appended to these Rules.

4. Method of Recruitment:-The posts of Excise Constable shall be filled up by way of direct recruitment through the open competitive examination conducted by the Commission.

5. Eligibility Criteria for Direct Recruitment:-

(1) Subject to other provisions of these rules, in order to be eligible for direct recruitment, a candidate must, -

- (i) be a citizen of India;

- (ii) have passed +2 Examination or equivalent examination conducted by the Council of Higher Secondary Education, Odisha or by any other recognized Board or Council;
- (iii) be able to speak, read and write Odia and must have passed Odia as one of the subjects in the High School Certificate Examination or an examination in Odia language equivalent to M.E. standard recognized or conducted by the School and Mass Education Department, Government of Odisha;
- (iv) have registered his name, in one of the Employment Exchanges of the division covering the district(s) of the division for which he applies for recruitment, before the date of publication of advertisement for recruitment;
- (v) have attained the age of 21 years and must not be above the age of 32 (thirty-two) years as on the 1st day of January of the year in which the advertisement for recruitment is published:

Provided that the upper age limit in respect of reserved categories of candidates, referred to in rule 6, shall be relaxed in accordance with the provisions of the Acts or rules or orders or instructions in force, for the respective reserved categories;

- vi. If married, must not have more than one spouse living:

Provided that the Government may, if satisfied that such marriage is permissible under the personal law applicable to such person or there are other grounds for doing so, exempt any person from the operation of this rule.

- vii. be of good character; and
- viii. be of sound health and free from organic defects and physical deformity.

- (2) (i) A candidate must have the minimum physical standard of height, weight and chest as follows :-

Category to which the candidate belongs	Height	Weight	Chest (*)	
			Unexpanded	Expanded
(1)	(2)	(3)	(4)	(5)
Unreserved/ SEBC (Men)	168 cm	55 Kg	79 cm.	84 cm.
Unreserved/ SEBC (Women)	158 cm	47.5 Kg.		
Scheduled Caste/ ScheduledTribe (Men)	163 cm	50Kg.	76 cm.	81 cm.
Scheduled Caste/Scheduled Tribe (Women)	153 cm	45Kg.		

Note :- There shall be minimum of 5 cms. difference between unexpanded and expanded chest;

- (ii) Candidates with disability or deformity shall not be eligible for consideration;
- (iii) Transgender can also apply for the post of constable, if they fulfill the eligibility criteria;
- (iv) Eligibility of the candidates may be verified at any stage of the recruitment process; and
- (v) The appointment order shall be issued by the Excise Deputy Commissioner of the concerned division on receipt of the select list from the Commission for appointment of required number of candidates named therein in an Excise Division from the select list.

6. Reservations :- (i) Notwithstanding anything contained in these rules, posts shall be reserved for candidates belonging to the Scheduled Castes and Scheduled Tribes in accordance with the provisions contained in the Odisha Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made there under and for candidates belonging to SEBC category or ex-servicemen or women or sportsperson in accordance with the provisions made under such rules, orders or instructions issued in this regard by the Government from time to time for direct recruitment only and other relevant Government guideline regarding reservation as prevalent.

(ii) The reservation rules shall be followed division cadre-wise.

7. Advertisement of vacancies for recruitment and inviting of applications:-

- (i) The vacancies for recruitment in each divisional cadre shall be the existing vacancies in the division.
- (ii) The Commissioner will collect the number of vacancies for recruitment and their category wise break up from all the Excise Divisions and communicate the same to the Government for approval.
- (iii) The Commission shall advertise and invite applications from eligible candidates for filling up the division wise vacancies in the rank of constable on receipt of requisition from Commissioner. The Commission shall decide the modalities of inviting applications and other formalities.
- (iv) The last date for receipt of applications from all over the State may be the same.
- (v) This advertisement, among others, may declare the following: -
 - (a) A candidate filling the application form can apply for recruitment to one Excise Division only.
 - (b) This option cannot be changed.
- (vi) Candidature shall be cancelled if in the opinion of the Commission the candidate is not found eligible for consideration according to the eligibility criteria prescribed in this Rule.

8. Recruitment Process:-

- (1) The recruitment Process shall comprise of,-
 - (i) Written Examination;
 - (ii) Physical Standards; and
 - (iii) Physical Efficiency Test.
- (2) The Commission shall decide the time and place of Written Examination or Physical Standards or Physical Efficiency Test and publicize the same for the information of Candidates.

(3) Written Examination:

Allotted Marks -100 (One hundred Marks), Duration -120 Minutes

- (i) The candidates shall be required to appear at a written examination which shall consist of objective type multiple choice questions only. The examination shall be conducted in a transparent manner using OMR (Optical Mark Recognition) or OCR (Optical Character Recognition) sheet or Computer based written examination or any other objective modern method of assessment as prevalent at the relevant point of time as decided by the Commission.
- (ii) The questions in the written examination shall comprise of Odia language, English Language, Arithmetic, General Knowledge, Situational Awareness, Logical reasoning and Basic computer knowledge. The standard of the questions shall be such that a student who has passed +2 Examination will be able to answer. There shall be negative marking of 25 % marks for each wrong answer in written examination.
- (iii) The medium of written examination shall be in English except the questions in Odia language.
- (iv) Commission shall fix the date, time and place for holding the written test.
- (v) The Candidates not appearing for the written test shall be disqualified.
- (vi) The Commission may decide the minimum qualifying marks in the written test.
- (vii) The Commission shall prepare division wise list of candidates equal to 5 (five) times of category-wise vacancies advertised for the division, from

the candidates who have qualified in the written examination in order of merit. Such a list shall be prepared in decreasing order of aggregate marks secured by the candidates in the written examination. Candidates, whose names appear in the list, will be called to appear in Physical Standard and Physical Efficiency Test.

- (viii) If the marks secured by two or more candidates are equal, the person older in age shall be placed above the other in the list of candidates to be called for appearing in Physical Standard and Physical Efficiency Test.
- (ix) In case the age is also the same then the person having fewer negative marks in the written test will be placed above the other in the list of candidates.
- (x) In case the negative marks in the written test are also the same, the Commission may decide any other criteria.
- (xi) The Commission shall inform the Candidates selected for participation in the Physical Standard. Candidates getting disqualified in the Physical Standard or Physical Efficiency Tests will be issued with disqualification slips indicating the reason for disqualification.

(4) Physical Standard for all categories: (Qualifying only),-

- (i) The candidates must have the minimum physical standard of height, weight and chest as follows:

Category	Height	Weight	Chest*	
			Unexpanded	Expanded
(1)	(2)	(3)	(4)	(5)
Unreserved/ SEBC (Men)	168 Cm	55 Kg	79 Cm	84 Cm
Unreserved/ SEBC (Women)	158 Cm	47.5 Kg		
Scheduled Caste/ ScheduledTribe (Men)	163 Cm	50 Kg	76 Cm	81 Cm
Scheduled Caste/ Scheduled Tribe (Women)	153 Cm	45 g		

- (ii) There shall be a minimum of 5cms difference between unexpanded and expanded chest. The Height, weight and chest shall be measured to determine the eligibility of the candidate.

If the Candidate does not possess the minimum prescribed physical standard i.e. height or weight or chest, as mentioned above, he will be disqualified and will not be allowed to appear in further recruitment process.

(5) Physical Efficiency Test (PET)(Qualifying only):-

- (i) Only those candidates who qualified in the Physical Standard shall be allowed to participate in the Physical Efficiency Test.
- (ii) The Physical Efficiency Test is Qualifying in Nature.
- (iii) The Physical Efficiency Tests shall comprise of the following events:

(A) For Men (all categories)

(a) Running

A candidate who covers the distance of 1.6 Kilometers in 7 minutes shall be declared as qualified, failing which the candidate shall be declared as disqualified.

(b) Long Jump

A candidate who clears 3.66 meter in 3 (three) attempts shall be declared as qualified for long jump, failing which the candidate shall be declared as disqualified.

(B) For Women (all categories)

(a) Running

A candidate who covers the distance of 1.6 Kilometers in 9 minutes shall be declared as qualified, failing which the candidate shall be declared as disqualified.

(b) Long Jump

A candidate who clears 2.75 meters in 3 (three) attempts shall be declared as qualified for long jump, failing which the candidate shall be declared as disqualified.

Note: If a candidate fails to qualify in any of the above events, he shall be disqualified from the recruitment process.

9. Medical Examination:- The Medical Board shall comprise of two Doctors, one of whom shall be a lady, one of the doctors, who will head the Board, shall be in the rank of SDMO or above. Medical test may be conducted at any stage of the recruitment process as scheduled by the Commission. The following shall be the specifications for Medical examination: -

- (a) The Candidates must not have knock knee, bow legs, flat foot, varicose veins, squint in eyes, poor vision, colour blindness, inability to flex the fingers properly and any other obvious deformities. He should have no impediment in speech and hearing.
- (b) The candidate shall produce a self-declaration certificate regarding his physical fitness that, he is fit to participate in different physical efficiency tests and submit it to the recruiting Board while appearing for the physical test.
- (c) The candidates shall appear in the Physical Efficiency Test at their own risk. Nobody other than him/her shall be responsible for any loss or physical damage of the candidates during the Physical Efficiency Test or any time after caused due to appearing in the Physical Efficiency Test.

10. Bonus Mark:- Bonus marks shall be awarded to the candidates for possessing NCC Certificate as below.

(a) National Cadet Corps'B' Certificate :01 mark

(b) National Cadet Corps'C' Certificate :02 marks

11. Select List:- (1) On completion of the recruitment test, the Commission shall draw up a select list of the successful candidates in order of merit, category-wise for each Division separately as per the advertisement. The select list shall be prepared in decreasing order of aggregate marks secured by them in written examination including bonus mark for NCC equal to the number of vacancies advertised.

- (2) (i) If the aggregate marks obtained by two or more persons are equal, the person older in age shall be placed above the other in the Select List;

(ii) In case the date of birth is also the same, then the person having less negative marks in the written test will be placed above the other in the Select List;

(iii) In case the negative marks in the written test are also the same, the Commission may decide any other criteria.

(3) There shall be no reserve or waiting list.

12. Verification of Documents:-

(i) No candidate shall be appointed from the select list, without verification of, -

(a) Character certificate and antecedents report;

(b) Medical Fitness Certificate issued by an authorized Government Doctor;

(c) Original certificates of his eligibility for the post, which shall include certificates of age, caste or category, educational qualifications, Sports Identity Card, National Cadet Corps Certificate, Ex- Servicemen etc.

(ii) The appointment letters shall be pasted with the photographs of the candidates concerned. The seal and signature of the appointing authority shall be given across the photograph which will be pasted in the Service Book.

(iii) Terms & conditions of service and duties & responsibilities of the Constables shall be the same as assigned to them in the Odisha Excise Act, 2008, rules or orders framed under the Act and Excise Manual and the instructions of the Government issued from time to time.

13. Probation and Confirmation :-(1) Every person appointed to the post in the service by direct recruitment shall be on probation for a period of two years from the date of joining the post:

Provided that the appointing authority may, if think fit in any case or class of cases for good and sufficient reasons to be recorded in writing, extend the period of probation for another year but not exceeding two years:

Provided further that such period of probation shall not include-

- (a) Extraordinary leave;
- (b) period of unauthorized absence; or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer may for good and sufficient reasons to be recorded in writing, be terminated by Government at any time without previous notice during the period of probation including extension of such period, if any.

(3) A probationer after completing the period of probation to the satisfaction of Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

14. *Inter Se-Seniority:-* The *inter se*-Seniority of the persons appointed to the post in the service in a particular year shall be in the order in which their names appear in the select list.

15. Training:-

- (i) Directly appointed Constables shall undergo Constables Basic Course of Training as determined by the Commissioner. The Duration, Pattern, syllabus of Basic course of Training of Constables shall be such as decided by the Commissioner.
- (ii) At the end of the training course, there will be an examination. All the Constables undergoing training are required to pass the examination. Those who fail the examination, shall be given another chance to clear it without undergoing the training again. If they fail again, they shall be discharged from the service.
- (iii) The annual increments shall not be allowed unless and until the aforesaid examination is passed by the appointed candidates.
- (iv) The conditions of service in relation to the matters not covered by these rules shall be the same as may from time to time be prescribed by the Government.

16. Relaxation:- Where the Government on a reference made by the Commissioner or otherwise, are satisfied that it is necessary or expedient so to do in the public interest,

it may by order, for reasons to be recorded in writing, relax any of the provisions of these Rules in respect of any class or category of employees.

17. Interpretation:- If any question arises relating to the interpretation of these Rules, it shall be referred to the Government in Excise Department, whose decision shall be final.

[No.6784—EXC-FE-ESTT/0015/2021/Ex.]

By Order of the Governor

S.K. LOHANI

Principal Secretary to Government

APPENDIX-A**(See Rule-3)****A. Change of Cadre:**

- (i) In each year preferably in the month of January, the Commissioner shall publish @ 10% of available vacancies in the rank of Constables in different Divisions and invite applications of willing and eligible Constables of Divisions for change of their cadre to another Division in the same calendar year.
- (ii) Willing and eligible Constables of Divisions will apply in Annexure-1 as appended to these Rules to the Commissioner for change of their cadre.
- (iii) The Excise Superintendents and Excise Deputy Commissioners of the divisions after furnishing required information in the prescribed Form of Annexure-1 along with their views shall forward it to the Commissioner for necessary consideration.
- (iv) Applications received in any other means shall not be considered for change of cadre.
- (v) Eligibility: Constables of Divisions to become eligible for consideration of Change of Cadre to other Divisions must have completed 07 years of service as on 1st Day of January in the year in which Change of Cadre is considered.
- (vi) The Constable applying for change of Cadre must have good service record. He must not have any major punishment or more than 5 (Five) minor punishments to his discredit during his entire service career and no Departmental Proceeding or Criminal Proceeding or Vigilance case shall be pending against him.
- (vii) Cadre Change Board:- (a) There will be a Cadre Change Board with the following composition to examine the eligibility of the Constables and their suitability for consideration of their change of Cadre.

1.	Additional Excise Commissioner	-	Chairman
2.	One Officer in the rank of Excise Deputy Commissioner (To be nominated by the Commissioner)	-	Member
3.	One Officer in the rank of Deputy Commissioner or above looking after the Establishment matters in the Excise Directorate	-	Member Convener

- (viii) In each calendar year, preferably in the month of February the Cadre Change Board will meet to examine all applications received from the divisions to recommend the cases of Constables for Change of Cadre to other Division(s). Each application shall be examined on the basis of eligibility criteria as mentioned in sub clause (v) of Clause (A) of this Appendix-A and the Cadre Change Board may recommend the cases suitable as against 10% vacancy of the Division(s) calculated as per sub clause (i) of clause (A) of this Appendix-A. Change of Cadre shall be considered as per the seniority of the Constables of different Divisions taking into account their date of appointment. When date of appointment of two Constables are same, the older in age shall be preferred for change of cadre over the younger Constable. Cadre Change in spouse case will have the preference over other cadre change request.
- (ix) The Cadre Change Board will recommend the names of Constables to the Commissioner for their change of cadre to the Divisions as per option exercised by them.
- (x) Upon receipt of the recommendation of the Cadre Change Board, the Commissioner will approve the select list, which will be published in shape of Office Order in the Excise Directorate.
- (xi) In case any Constable fails to join in the new Division within two months period (unless extended by the Commissioner), his change of cadre will be deemed to be cancelled automatically. For the next three years, he will not be allowed to apply for change of cadre.

B. Conditions of Service:

- (i) All Constables while applying for their change of cadre must submit an undertaking to forgo their past service for consideration of promotion to the rank of ASI.
- (ii) Upon joining the new Division on change of cadre, he will be permanently absorbed in the new Divisional Cadre. His eligibility for promotion to the rank of ASI in the State cadre shall be counted from the date of his/her joining in the new Cadre.
- (iii) His seniority in the new cadre will be fixed below the junior most Constable in the new Division in that year.

- (iv) From the date of absorption in the new Division or District, he will be the member of the new Divisional Cadre.
- (v) When two or more Constables join in a new Division on change of cadre, their *inter se*-Seniority shall be fixed as per their service rendered in the old cadre(s).
- (vi) Change of Cadre of Constables is the discretion of the Commissioner. Change of Cadre cannot be claimed by any Constable as a matter of right.
- (vii) Change of Cadre of any Constable is full and final. He cannot claim repatriation to old cadre in future.
- (viii) The last pay drawn by the Constable in old cadre shall be protected in the new Cadre. His annual increments will remain unchanged without prejudice of any other rule applicable to him.
- (ix) The existing Constables of the Divisions, though placed senior to the cadre change Constable, cannot claim stepping up of pay with the Constables joining the district on cadre change, in case they are drawing less pay.

ANNEXURE-1

**APPLICATION FOR CHANGE OF CADRE FOR CONSTABLES FROM ONE DIVISION
TO ANOTHER**

1. Name of the applicant : _____
2. Rank : _____
3. Parent Cadre : _____
4. Home District : _____
5. Date of Birth : _____
6. Date of joining the service : _____
7. Date of joining the division : _____
8. Whether any criminal/vigilance case is pending : _____
9. Whether any Departmental Proceeding is pending : _____
10. Whether Spouse is serving in Excise department in any other Cadre : _____
11. If yes, Name of the Spouse: _____
12. Division in which Spouse is serving: _____
13. Home District of the Spouse : _____
14. Whether Spouse (if constable) has also applied for Change of Cadre in the current year: _____
15. If yes, Division Option exercised by him/ her: _____
16. Whether proof of marriage is attached, details there on: _____
17. Reasons for change of Cadre (with supporting Document)
18. Choices for cadre in which to be absorbed:
 - (i)
 - (ii)
 - (iii)

I hereby undertake that in the event my absorption in the new cadre, I will lose my seniority in the old cadre and my seniority in new cadre will be counted from the date of my joining in the new cadre. Qualifying service required for promotion to the rank of ASI will be counted from the date of joining the new cadre and any test I have passed in the old cadre won't be counted for promotion to the rank of ASI in the state cadre.

(Signature of the applicant with date)

(FOR OFFICE USE ONLY)

1. Views of the District Superintendent of Excise

Signature of Superintendent of Excise

Date:

2. (i) Number of major punishment imposed on the constable:

(ii) Number of Minor punishment imposed on the constable: _____

(iii) Departmental Proceeding/Inquiry pending, if any: _____

(iv) Criminal Case/vigilance Case/Vigilance Enquiry, pending if any: _____

3. Views of the Excise Deputy Commissioner:

Signature of Excise Deputy Commissioner

Date :